

REMARKS

This Preliminary Amendment is submitted to improve the form of the specification as originally-filed.

INTRODUCTION:

Claims 1-36 are pending and under consideration. Claims 1-3, 12-14, 16-24, and 27-28 have been amended. Claim 29 has been cancelled. Claims 30-36 have been added. The amended and added claims find support throughout the specification, thus, no new matter is being presented. Therefore, approval and entry of the Amendment are respectfully requested

Rejection under 35 USC § 102:

Claims 1-3, 5-10, 12-15, 19-23 and 26-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cuccia (US 6,337,719). This rejection is respectfully traversed.

Regarding the rejection of claims 1,3, and 28, amended claim 1 recites a method of acquiring program guide information for channels. The method comprises receiving the program guide information and a program on a currently tuned in channel of the channels, acquiring the program guide information for the received program received on the preferential channel, scanning the channels except for the currently tuned in channel and acquiring the remaining program guide information being broadcast for the remaining accessible channels in addition to the currently tuned in channel after a program guide mode is entered. The remaining program guide information is acquired according to a prioritized channel search. Amended claims 3 and 28 recite substantially similar features as claim 1 including the prioritized search.

Conversely, Cuccia merely discloses a method of updating EPG information. In Cuccia, EPG information is successively gathered from all of the accessible channels in the order of the channels themselves (i.e. channel 1, 2, 3, ..., n) and stores them, as a compound EPG, into a storage unit. According to Cuccia, this operation may take place while the TV-set is in a stand-by mode, because of the extended time required to access all channels, at night, See Cuccia column 4, lines 36-39, when the TV set is turned off, or when a decoupled state is resumed after the TV enters a coupled state. See Cuccia at column 5, lines 20-57.

Cuccia clearly fails to teach or suggest acquiring the remaining program guide information being broadcast for the remaining accessible channels in addition to the currently tuned in channel after a program guide mode is entered, wherein the remaining program guide information is acquired according to a prioritized channel search.

However, in the outstanding Office Action of July 1, 2003, at page 5, line 13 through page 6, line 7, the Office Action states that Cuccia discloses acquiring remaining program guide information according to a prioritized or preferential search by the tuner 103 which is free to scan the signals for the EPG information when the TV set is in stand-by mode. The Office Action also alleges in the "Response to Arguments" section of the Office Action, at page 3, lines 1-9, that the claimed prioritized or preferential search is anticipated by the "scanning [of] all available streams." Thus, it is evident that the Office Action is suggesting that a search of a range of transport streams including all available transport streams would effectively include a search of the same streams that a prioritized or preferential scan would search.

Applicant respectfully asserts that the analysis provided by the Office Action is improper. First, applicant initially notes that the claimed invention specifically overcomes the problem of searching "all available streams" or channel by the claimed prioritized search, which is not found in the reference to Cuccia. As a result, the claimed invention has the advantage of not requiring the long period of delay during which "all available streams" are scanned in Cuccia. Secondly, both of the operations during which program guide information, including program guide information for the currently tuned in channel and for the remaining accessible channels, is acquired, occur while a channel is currently tuned in. That is, the language of the claim requires that the TV set must be on and coupled to some sort of a network (via a cable network or a digital broadcast).

Since Cuccia discloses scanning while the TV-set is in a stand-by mode, because of the extended time required to access all channels, at night, when the TV set is turned off, or when a decoupled state is resumed after the TV enters a coupled state, *see Cuccia at column 4, lines 36-39 and column 5, lines 20-57*, applicant respectively asserts that claims 1, 3, and 28 are patentably distinguishing over the reference to Cuccia. Thus, these claims are believed to be allowable and applicant therefore requests that the rejection of these claims be withdrawn.

Regarding the rejection of dependent claims 2, 4-11, and 29, applicant notes that these claims are believed to be allowable at least substantially for the reasons set forth above, and therefore applicant requests that the rejection of these claims 2, 4-11, and 29 also be withdrawn.

Regarding the rejections of claims 12 and 19, claim 12 recites a program guiding method in which a program list for each channel is displayed in response to a program guide command. The method comprises writing and displaying a program list including program guide information of a channel currently tuned into before a program guide command is executed by a user and remaining accessible channels, from stored program guide information. Program guide information being broadcast for each of the channels is acquired by searching for the accessible channels in a background operation, while a user refers to the written and displayed program list. The acquired program guide information for each of the channels is stored, a program list on the basis of the stored program guide information is rewritten, and the rewritten program list is displayed to the user. Claim 19 recites substantially the same subject matter as claim 12 including searching for the accessible channels in a background operation.

The claimed "searching for the accessible channels in a background operation...while a user refers to the program list," is supported in the specification with regard to FIGS. 4A-4C. The figures illustrate that while a user refers to program guide information for an exemplary channel 53 in a program list 410, program guide information for other channels, 52 and 54 as shown in FIG. 4B, and then channels 51 and 56 as shown in FIG. 4C, are acquired in the background, while the program list 410 is referred to by the user.

In contrast, Cuccia discloses a significantly different method. In Cuccia, EPG information is updated only once a day, at night, or at a time when the TV is decoupled (i.e. turned off). If for some reason, the TV enters a coupled state, the updating process is actually stopped and only restarted when the TV enters the decoupled state. See Cuccia, column 4, lines 36-55. Considering that it would be impossible for a user to refer to the program list, as claimed, while the TV is turned off, Cuccia simply could not anticipate "searching for accessible channels to obtain program guide information being broadcast by controlling said tuner in a background operation while a user refers to the program list."

Nevertheless, at page 9, lines 15-19 of the Office Action, the Office Action alleges that the microprocessor 118, in Cuccia, responds to the manipulation command input by writing a program list based on program guide information stored in said memory and searches for accessible channels by controlling the tuner in a background operation while a user refers to the program list. This analysis, however, fails to consider that even if a user were to refer to a program list during the updating process, as in the case in which the TV enters the coupled state thereby temporarily interrupting the updating process, Cuccia teaches that the updating process is only restarted when the TV is decoupled. See Cuccia at column 2, lines 45-50. As a result, the Cuccia method would not allow a user to refer to a program list while the program list is updated as claimed.

Thus, applicant respectively asserts that claims 12 and 19, are patentably distinguishing over the reference to Cuccia and that claims 12 and 19 are believed to be allowable. Applicant therefore requests the rejections be withdrawn.

Regarding the rejection of dependent claims 13-18, and 20-27, applicant notes that these claims are allowable at least substantially for the reasons set forth above, and therefore requests that these claims also be withdrawn.

Rejection under 35 USC § 103:

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cuccia. Claims 11, 16-17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cuccia in view of Saitoh (US 5,444,499). Additionally, claims 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cuccia in view of Saitoh and further in view of Mugura et al. (US 6,243,142). These rejections are respectfully traversed.

Regarding the rejection of claims 4, 11, 16-17, 18, 24, and 25, it is noted that these claims are dependent on claims 1, 3, 12, and 19, and therefore are believed to be allowable for at least the reasons set forth above. Therefore, applicant respectfully requests that these rejections be withdrawn.

Applicant's Rebuttal to Office Action's Response To Arguments:

In the "Response to Arguments" section of the outstanding Office Action at page 2, line 17 through page 3, line 10, in comments related to the patentability of claims 1, 3, and 28, the Office Action states that "the claimed prioritized...search is anticipated by the scanning [of] all available streams." As discussed above, however, applicant asserts that the reference to Cuccia contains no disclosure of a prioritized search. In other words, where Cuccia simply gathers EPG information successively channel by channel, the claimed invention gathers EPG information according to priority of channels. Therefore, the highest priority channels are accessed first and so on.

Thus, applicant respectively asserts that claims 1, 3, and 28, which claim the prioritized or preferential search, define over the reference to Cuccia, and therefore requests that the "Response to Arguments" section in the Office Action with regard to claims 1, 3, and 28 be withdrawn.

Regarding the "Response to Arguments" section in the Office action with regard to dependent claims 2, 4-11, and 29, applicant notes that the remarks related to these claims are moot for substantially the reasons set forth above, and therefore requests that the "Response to Arguments" section in the Office action with regard to dependent claims 2, 4-11, and 29 similarly be withdrawn.

Regarding the discussion of claims 12 and 19 in the "Response to Arguments" section of the Office Action at page 4, line 11 through page 5, line 8, the Office Action states that "because the user...can display the compound EPG from the storage means during the scanning of all available transport streams," Cuccia anticipates "acquiring program guide information being broadcast for each channel by searching for accessible channels in a background operation while the program list is being referred to."

As discussed above with reference to the example in the specification, the present invention accesses and displays EPG information of channels 53, 52, and 54 and possibly channels 51, and 55 when the program guide mode is entered. Thus, as a user refers to EPG information of channel 53, EPG information of channels 52 and 54 are displayed quickly. Then, as the user refers to EPG information of channels 52 and 54, EPG information of channels 51 and 55 are displayed, and so on.

As explained above, considering that it would be impossible for a user to refer to the program list while the TV is turned off, in Cuccia, the reference simply could not anticipate "searching for accessible channels to obtain program guide information being broadcast by controlling said tuner in a background operation while a user refers to the program list."

Thus, applicant respectively asserts that claims 12 and 19, define over the reference to Cuccia, and therefore requests that the "Response to Arguments" section in the Office Action with regard to these claims be withdrawn.

Regarding the "Response to Arguments" section in the Office action with regard to dependent claims 13-18, and 20-27, applicant notes that the remarks related to these claims are moot for substantially for the reasons set forth above, and therefore requests that the "Response to Arguments" section in the Office action with regard to these claims be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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